

REFERENCE TITLE: preclearance requirements; removal

State of Arizona
Senate
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Introduced by
Senators Gray C: Gould, Verschoor

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO REMOVE THIS STATE FROM THE
REQUIREMENTS OF SECTION 5 OF THE VOTING RIGHTS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Fifteenth Amendment to the United States Constitution
4 stipulates that the right of citizens of the United States to vote shall not
5 be denied or abridged by the United States or by any state on account of
6 race, color or previous condition of servitude; and

7 Whereas, the State of Arizona, through its constitution, requires that
8 all elections be free and equal, and no power, civil or military, shall at
9 any time interfere to prevent the free exercise of the right of suffrage; and

10 Whereas, the Voting Rights Act of 1965 was enacted to condemn the use
11 of "race, color or previous condition of servitude" in the voting process but
12 uses those same factors before authorizing any changes in the election
13 process; and

14 Whereas, the Congressional intent to temporarily enforce Section 5 of
15 the Voting Rights Act for five years has been disregarded by four extensions
16 of the Act, subjecting certain jurisdictions throughout the United States to
17 Section 5 preclearance requirements based on conditions that existed thirty
18 years ago; and

19 Whereas, the extension of the Voting Rights Act in 2006 will subject
20 covered jurisdictions to preclearance requirements until 2032, affecting
21 generations of Arizona voters who were not alive when the discriminatory
22 practices existed; and

23 Whereas, the State of Arizona repealed its literacy test, complying
24 with the Voting Rights Act of 1965 prohibition against a "test or device"
25 that restricted the opportunity to register and vote and that had subjected
26 certain jurisdictions in Arizona to be covered under Section 5; and

27 Whereas, the 1975 extension of the Voting Rights Act and broadening of
28 the definition of "test or device" to include minority language requirements,
29 arbitrarily subjected the entire State of Arizona to Section 5 preclearance
30 requirements; and

31 Whereas, two United States Supreme Court cases noted in a 1982 Senate
32 Report expressed grave concerns about Congress permanently subjecting the
33 states to an "unusually stringent remedy of preclearance"; and

34 Whereas, the Section 5 preclearance requirements are costly and
35 burdensome, causing at least a sixty day delay in the enactment of any voting
36 changes, the majority of which are routinely approved by the Department of
37 Justice; and

38 Whereas, the Section 4 bail-out provisions and ten-year recapture
39 period significantly hinder the State of Arizona's removal from the arbitrary
40 requirements of Section 5 and only thirteen political subdivisions in
41 Virginia have been able to successfully bail-out from the total of sixteen
42 states covered in whole or in part and sixty-nine other political
43 subdivisions covered in the twenty-five years since the 1982 amendment; and

44 Whereas, the State of Arizona continues to be unfairly perceived as a
45 discriminatory jurisdiction without justification.

1 Wherefore, your memorialist, the Senate of the State of Arizona, the House of
2 Representatives concurring, prays:

3 1. That the State of Arizona be removed from the requirements of
4 Section 5 of the Voting Rights Act.

5 2. That the Secretary of State of the State of Arizona transmit copies
6 of this Memorial to the President of the United States Senate and the Speaker
7 of the United States House of Representatives and each Member of Congress.